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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/251,403

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MASAHITO NIKAWA

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09/30/2005

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
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EXAMINER

FLETCHER, JAMES A

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/251,403

Applicant(s)

NIIKAWA ET AL.

Examiner

James A. Fletcher

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-2 and 4-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 4-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ichimura (6,188,831).

Regarding claims 1 and 4, Ichimura discloses an image processing device and method for processing images which are recorded in a recording medium (Col 5, lines 23-26 "the data storage apparatus includes a compression device for reading and compressing the time-series data which is stored") comprising:

- an indicator which commands different types of processing to be executed for the image (Col 13, lines 61-63 "a compression trigger timing signal that is the impetus for starting the...compression of the image data" and Fig. 10, items S300 and S301);
- a controller which sets up rank data in accordance with a number of times the different types of processing is commanded by the indicator (Col 18, lines 52-55 "data...are compressed when the level of importance is low [such as when

a preset time has elapsed since the data was stored]” This determination of the oldest records having the lowest importance is a ranking data, and the passage of units of time meets the broadly claimed number of times of “processing” and Fig. 10, items S300 and S301);

- a deletion directional member which directs to delete the image recorded in the image recording medium (Col 18, lines 52-57 “data...are compressed...so as to form empty capacity in the memory of the time-series data storing section”);
- a compressor which compresses the image instead of deleting the image when the deletion directional member directs to delete the image (Col 18, lines 52-55 “data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]”); and
- a recorder which stores the compressed image (Col 18, lines 56-57 “Time-series data storing section”).

Regarding claim 2, Ichimura discloses an image processing device wherein the compressor alters a compression rate of the image based on the data (Col 5, lines 28-30 “the time-series data in other intervals are compressed by a different compression rate or a compression system based on the correspondence-relationship”).

Further regarding claim 2, if the original data is not deleted after recompression, no storage space is gained. The function of erasing data in order to free up storage space is considered an inherent requirement of any device attempting to gain storage space by compressing existing data.

Regarding claims 5, 8, 10, and 12, Ichimura discloses a device and method for processing images which are recorded in a recording medium comprising:

- an indicator which commands different types of processing to be executed for the image (Col 19, lines 17-18 “the compression process start request is generated” and Fig. 10, items S300 and S301);
- a recorder which records a time when the indicator commands different types of processing (Col 17, line 50 “The time data storing section” and Fig. 13 discloses compression [S503] as part of a cycle of time elapse from storage and from compression);
- a timer which measures an elapsed time since the time of the processing (Col 17, lines 61-66 “the time data storing section outputs the compression start command...after the audio data and the image data have been recorded in the time-series data storing section has reached a preset time”); and
- a controller which changes a compression rate, which is set in accordance with rank data for the image based on an output from the timer (Col 18, lines 52-55 “data...are compressed when the level of importance is low [such as when a preset time has elapsed since the data was stored]” and Col 24, lines 33-38 “during compression of the image data...the compression ratio...is dynamically changed”) wherein the rank data is set according to a number of times the different types of processing to be executed for the image is commanded by the indicator (This determination of the oldest records having the lowest importance is a ranking data, and the passage of units of time

meets the broadly claimed number of times of “processing” and Fig. 10, items S300 and S301).

Regarding claim 6, Ichimura discloses an image processing device comprising:

- a detector which detects that the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 “the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time”); and
- the controller which controls so as to increase the compression rate based on the output from the detector (Col 24, lines 33-38 “during compression of the image data...the compression ratio...is dynamically changed”).

Regarding claim 7, Ichimura discloses an image processing device wherein the controller sets up lower rank data for the image when the indicator gives no command for a predetermined time or more based on the output from the timer (Col 17, lines 61-66 “the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time”).

Regarding claim 9, Ichimura discloses an image processing method further comprising a step of setting up a higher compression rate when it is detected that no command is given for a predetermined time or more (Col 17, lines 61-66 “the time data storing section outputs the compression process start command...when the elapsed

time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time" and Col 24, lines 33-38 "during compression of the image data...the compression ratio...is dynamically changed").

Regarding claims 11 and 13, Ichimura discloses an image processing method and device wherein the rank value is set up in accordance with the command from the indicator (Col 17, lines 61-66 "the time data storing section outputs the compression process start command...when the elapsed time...after the audio data and image data have been recorded in the time-series data storing section has reached a preset time").

The Examiner notes that the "different types of processing" recited in claim 1 and other amended claims appear to be the processes disclosed in Equation 1 of the specification. These processes are "display time in camera," "number of history setup button presses," "time of displaying one image," "number of printing," and "number of editing." Ichimura clearly discloses several different types of processing of the data that affect the importance of the data and therefore its compression characteristics. The examiner would suggest that the Applicant claim elements of Equation 1 that are not found in Ichimura in order to overcome the rejection.

Allowable Subject Matter

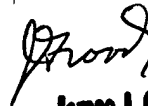
4. Claims 14-18 are allowed for the reasons of record.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (571) 272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAF
21 September 2005


James J. Groody
Supervisory Patent Examiner
Art Unit ~~262~~ 2616